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7

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-209

13 **BOBBY McGHEE**  
113 Shady Lane  
14 Monroe, Louisiana 71203

**A C C U S A T I O N**

15 Registered Nurse License No. 637650

Respondent.

16  
17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the  
20 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer  
21 Affairs.

22 **License History**

23 2. On or about May 25, 2004, the Board issued Registered Nurse License  
24 Number 637650 ("license") to Bobby McGhee ("Respondent"). The license will expire on  
25 September 30, 2009, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions ("Code") provides, in  
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code  
2 section 2750) of the Nursing Practice Act.

3 4. Code section 2764, in pertinent part, that the expiration of a license shall  
4 not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
5 licensee or to render a decision imposing discipline on the license. Under Code section 2811,  
6 subdivision (b), the Board may renew an expired license at any time within eight years after the  
7 expiration.

8 5. Code section 118, subdivision (b), provides that the suspension,  
9 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to  
10 proceed with a disciplinary action during the period within which the license may be renewed,  
11 restored, reissued or reinstated.

12 6. Code section 2761 states, in pertinent part:

13 The board may take disciplinary action against a certified or  
14 licensed nurse or deny an application for a certificate or license for  
any of the following:

15 (a) Unprofessional conduct, which includes, but is not  
16 limited to, the following:

17 (4) Denial of licensure, revocation, suspension,  
18 restriction, or any other disciplinary action against a health care  
19 professional license or certificate by another state or territory of the  
20 United States, by any other government agency, or by another  
California health care professional licensing board. A certified  
21 copy of the decision or judgment shall be conclusive evidence of  
that action.

### 21 COST RECOVERY

22 7. Code section 125.3 provides, in pertinent part, that the Board may request  
23 the administrative law judge to direct a licentiate found to have committed a violation or  
24 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
25 and enforcement of the case.

26 ///

27 ///

28 ///

1 CAUSE FOR DISCIPLINE

2 (Out-of-State Discipline)


3 8. Respondent is subject to disciplinary action under Code section 2761,  
4 subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent's Louisiana  
5 Registered Nurse License was disciplined by the Louisiana State Board of Nursing ("Louisiana  
6 Board"). Effective March 12, 2008, the Louisiana Board issued an Order suspending  
7 Respondent's Registered Nurse License for a minimum of six months due to the Louisiana  
8 Board's determination that, based upon his failure to comply with stipulations of the Program  
9 Agreement entered into with the Recovering Nurse Program on January 7, 2008, Respondent was  
10 unable to practice safely. Pursuant to the Order, the circumstances underlying the suspension are  
11 as follows: "On January 7, 2008, Registrant entered the Recovering Nurse Program (RNP) after  
12 reporting a DWI, which was not disclosed on renewal. On February 8, 2008, a letter was sent to  
13 him informing him he was out of compliance for failure to drug screen, he failed to respond." A  
14 copy of the Order is attached as **Exhibit A**, and is incorporated herein.

15 PRAYER

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
17 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 18 1. Revoking or suspending Registered Nurse License Number 637650 issued  
19 to Bobby McGhee;
- 20 2. Ordering Bobby McGhee to pay the Board the reasonable costs of the  
21 investigation and enforcement of this case, pursuant to Code section 125.3; and,
- 22 3. Taking such other and further action as deemed necessary and proper.
- 23

24 DATED: 3/23/09

25   
26 RUTH ANN TERRY, M.P.H., R.N.  
27 Executive Officer  
28 Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

**EXHIBIT A**  
Louisiana State Board of Nursing Order

# Louisiana State Board of Nursing

17373 Perkins Road

Baton Rouge, LA 70810

Telephone: (225) 755-7500 Fax: (225) 755-7582

[www.lsbnp.state.la.us](http://www.lsbnp.state.la.us)

July 8, 2008

California Board of Registered Nursing  
Enrique Leyva, Enforcement Program  
1625 North Market Blvd., Suite N-217  
Sacramento, CA 95834-1924

STATE OF LOUISIANA

EAST BATON ROUGE PARISH

I, Barbara L. Morvant, Executive Director of the Louisiana State Board of Nursing, do hereby certify that I am Custodian of Records of the Board of Nursing and that the copy of the Final Order pertaining to the matter of **BOBBY MCGHEE**, [REDACTED] is a true and correct copy of said documents as they appear among the files and records of this office.

WITNESS by my hand and seal of the Board of Nursing this **July 8, 2008**.

LOUISIANA STATE BOARD OF NURSING

*Barbara L. Morvant, MN, RN*

BARBARA L. MORVANT, MN, RN  
EXECUTIVE DIRECTOR

BOARD SEAL

By



Joy Peterson, BSN, RN  
Regional Manager

Enclosures

BLM/JAP/wjw

# Louisiana State Board of Nursing

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Baton Rouge, LA 70809

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## Certified Mail

## Return Receipt Requested

March 12, 2008

Bobby McGhee  
113 Shady Lane  
Monroe, LA 71203

Dear Mr. McGhee:

Reference is to the Program Agreement signed with the Recovering Nurse Program, effective January 7, 2008. This agreement allowed that your Louisiana RN license be retained, contingent upon adherence to stipulations, specifically, that you adhere to all stipulations of the Recovering Nurse Program. A review of your file reveals that you are not in compliance with the aforementioned agreement.

On February 28, 2008, the Recovering Nurse Program (RNP) reported that you were out of compliance with stipulations of RNP, in that:

- On October 30, 2007, you reported that you had received a DWI in February 2006 and you did not disclose it on renewal.
- On November 6, 2007, you initially declined entrance into RNP.
- On January 3, 2008, you completed inpatient treatment.
- On January 7, 2008, you signed a three-year confidential RNP agreement.
- On February 8, 2008, a letter was sent informing you that First Lab sent you a packet on January 16, 2008 and it had not been returned; thus you had failed to begin drug screening. You were asked to respond within ten (10) days regarding this non-compliance issue. As of this date we have not heard from you. In addition, you have failed to submit your calendar for January and to contact your group facilitator.
- On February 29, 2008, the discharge summary from Red River Treatment Center was received in the office. It stated that you completed treatment on January 2, 2008 and relapsed one week after completing treatment. You were re-admitted to the medically supported treatment center on January 25, 2008 and left against staff advice on January 27, 2008.

The Board Agreement provides that failure to comply with the stipulations of RNP will result in the immediate suspension of your license for a minimum of six (6) months. Therefore, **your Louisiana RN license is suspended. It is noted that your license is delinquent.** Prior to considering a request for reinstatement, you must demonstrate compliance with RNP for a minimum of six (6) months.

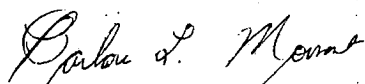
## **YOU ARE TO CEASE AND DESIST IMMEDIATELY THE PRACTICE OF NURSING IN LOUISIANA.**

This will be reported to Healthcare Integrity and Protection Data Bank (HIPDB) as F-2 Unable to Practice Safely by Reason of Alcohol or Other Substance Abuse. HIPDB Narrative: On January 7, 2008 Registrant entered the Recovering Nurse Program (RNP) after reporting a DWI, which was not disclosed on renewal. On February 8, 2008, a letter was sent to him informing him he was out of compliance for failure to drug screen, he failed to respond. His license was suspended for non-compliance with his agreement.

You are further advised that you should re-enter and remain in full compliance with RNP for a minimum of six (6) months before applying for reinstatement.

If you are able to show error in the staff's action then you must so notify the Board in writing within ten (10) days of this date.

## **LOUISIANA STATE BOARD OF NURSING**



Barbara L. Morvant, MN, RN  
Executive Director